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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,077	02/19/2002	Katsutoshi Tenma	UNIU56.001AUS	7042
20995	7590	03/09/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			MARSH, STEVEN M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*K*

## Office Action Summary

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/079,077	TENMA ET AL.	
<b>Examiner</b>	<b>Art Unit</b>		
Steven M Marsh	3632		

**— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 December 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,3 and 5-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3 and 5-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

This is the third office action for U.S. Application 10/079,077 for a Supporting Device for Non-Averaged Force filed by Katsutoshi Tenma et al. on February 19, 2002. Claims 2 and 4 have been canceled.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 6, 2004 has been entered.

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Objections***

Claims 6, 9, and 10 are objected to because of the following informalities: The word "encircles" should be deleted and replaced with - - encircle - -. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

Claims 7-15 rejected under 35 U.S.C. 102(b) as being anticipated by Smith.

Smith discloses a detachable frame with first and second receiving portions that are half of the frame (14 and 15), which is adapted to encircle a pipe and be fixed to a supporting portion. There is a fixing mechanism (35) that fixes the pipe body to the frame, and the fixing mechanism is arranged in that a plurality of wedge bodies (or movement blocking bodies, 38) are provided, that are capable of blocking movements of the pipe body in a pipe axial direction with respect to the frame being pressed against an outer surface of the pipe body, through pressing force acting from the frame towards the pipe body. The wedge bodies are disposed at specified intervals in the pipe axial direction and the edge portions (ends of 38) receive an outer surface of the pipe body from one side in a radial direction of the pipe body by pinching the pipe body. The edge portions are formed on a portion of the inner circumference of the frame in a circumferential direction and there are male screw members (37) provided on another portion of the inner circumference of the frame.

The portion of the inner circumference and another portion of the inner circumference face each other (14 and 15), and the male screw members press against an outer surface of the pipe body at their tip end portions when the male screw members are screwed into female screw portions formed in the frame. The male screw portions have indents (the threads) and the edge portions of the wedge bodies are arc-shaped. The edge portions are set in a posture that is in line with a peripheral direction of the first receiving portion or the second receiving portion, and a plurality thereof is

disposed at specified intervals in the peripheral direction and an axial core direction of the first receiving portion or the second receiving portion. Portions of the edge portion are inclined (due to the arc-shape) with respect to the axial core direction of the first receiving portion and the top surface of the wedge portions (or movement blocking bodies) are pressed by screw members (37) into the outer surface of the pipe body.

***Claim Rejections - 35 USC § 103***

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of U.S. Patent 5,772,252 to Malani. Smith does not disclose the wedge bodies being set in a condition such that the directions of wedge actions of a pair of wedge bodies are opposite with respect to each other in the pipe axial direction. Malani discloses a pipe holder with a fixing mechanism comprising a wedge body (71) and a screw member (40) that presses the wedge body into a pipe body (30). The bolt is inserted at an angle such that the bolt breaks at a specified at a predetermined torque limit to avoid having to replace the entire wedge body if the head breaks. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a fixing mechanism arrangement such as the one taught by Malani, in place of the arrangement taught by Smith, for the purpose of providing a means that avoids the need to replace the entire arrangement if the head breaks. Smith in view of Malani does not specifically disclose the force of a pair of wedge bodies as opposite in the axial direction. However, the orientation of each wedge body would be a matter of

engineering preference that would have been obvious to one of ordinary skill in the art at the time of the present invention.

Claims 5, 6, and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,966,528 to Christie in view of Smith. Christie discloses a supporting device for pipes with a frame comprised by integrally forming a mounting seat portion (21), a pipe supporting portion (10), and a rib (20) in line with the pipe axial direction. The supporting portion has a concave portion (F) for receiving a portion of the ring body. Christie does not disclose a pipe supporting portion as claimed by Applicant. However, Smith discloses the pipe supporting portion (ring body or belt body) disclosed by Applicant as discussed above in the rejection of claims 7-15. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided the pipe supporting portion taught by Smith, in place of the pipe supporting portion taught by Christie, for the purpose of providing a pipe support that limits movement of a pipe body.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3, and 5-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is

(703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

*S. Marsh*  
Steven M. Marsh

March 2, 2005

*Ramón O. Ramírez*  
RAMÓN O. RAMÍREZ  
PRIMARY EXAMINER